Assembi	y Amendm	ent (AA-AB40)

Received:

5/21/2013

Received By:

mshovers

Wanted:

As time permits

Same as LRB:

For:

Legislative Fiscal Bureau 7-7597

By/Representing:

Olin (FA)

May Contact:

Drafter:

emueller

Subject:

Local Gov't - counties

Local Gov't - munis generally

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Legislative Fiscal Bureau

Carbon copy (CC) to:

Pre Topic:

LFB:.....Olin (FA) -

Topic:

Motion # 159; Levy limits; adjustment for certain fee revenue

Instructions:

See attached. Paper # 605. Levy limits; adjustment for certain fee revenue

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/1	emueller 5/31/2013	evinz 5/30/2013	jmurphy 5/30/2013		lparisi 5/30/2013		
/2	emueller 5/31/2013	evinz 5/31/2013	phenry 5/31/2013		mbarman 5/31/2013		
/3	chanaman 6/11/2013	jdyer 6/11/2013	phenry 6/11/2013		lparisi 6/3/2013		
/4	chanaman	evinz	jmurphy		lparisi		

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Page 2

Vers.	<u>Drafted</u> 6/13/2013	Reviewed 6/13/2013	Typed 6/13/2013	<u>Proofed</u>	<u>Submitted</u> 6/11/2013	<u>Jacketed</u>	Required
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/3	chanamar 6/11/2013	<i>J</i>		enry 11/2013		lparisi 6/3/2013		

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Assembly Amendment (AA-AB40)

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Wante	d: As tin	ne permits			Same as LRB:			
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Assembly Amendment (AA-AB40)

Received:

5/21/2013

Received By:

mshovers

Wanted:

As time permits

Same as LRB:

For:

Legislative Fiscal Bureau 7-7597

By/Representing: Olin (RR)

May Contact:

Drafter:

emueller

Subject:

Local Gov't - counties

Local Gov't - munis generally

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LFB:.....Olin (RR) -

Topic:

Motion # 159; Levy limits; adjustment for certain fee revenue

Instructions:

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FE Sent For: 5/31/13

Assembly	Amendment	(AA-AB40)

Received:

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Received By:

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As time permits

Same as LRB:

For:

Legislative Fiscal Bureau 7-7597

By/Representing: Olin (RR)

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See attached. Paper # 605. Levy limits; adjustment for certain fee revenue

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SHARED REVENUE AND TAX RELIEF -- PROPERTY TAXATION

County and Municipal Levy Limit -- Adjustment for Certain Fee Revenue [LFB Paper #605]

Motion:

Move to require a county or municipality to reduce its allowable levy by the amount of any fee revenue in its budget if the fee revenue is designated to fund certain enumerated services that were funded with property tax revenues in calendar year 2013. Designate garbage collection, fire protection, snow plowing, street sweeping, and storm water management as the enumerated services. The proposed adjustment would be waived if the county or municipality imposing the fee has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.

In addition, require a county or municipality to reduce its allowable levy by the amount of any revenue from payments in lieu of taxes in its budget if the payments in lieu of taxes are designated to fund certain enumerated services that were funded with property tax revenues in calendar year 2013. Designate garbage collection, fire protection, snow plowing, street sweeping, and storm water management as the enumerated services. The proposed adjustment would be waived if the county or municipality imposing the payments in lieu of taxes has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.

Note:

This motion is identical to Motion #90 with one exception. It clarifies that the adjustment applies prospectively to services where there is a funding change after calendar year 2013. Services where there was a funding transfer before 2013 would not be affected.

Since the 2005(06) property tax year, DOR has administered a levy limit program that restricts the year-to-year increases in county and municipal property tax levies. The limitation prohibits any county or municipality from increasing its "base" levy in any year by more than the percentage change in the local government's January 1 equalized value due to new construction, less improvements removed, between the prior year and the current year, but not less than zero percent. The base levy is defined as the prior year actual levy for the county or municipality. State law authorizes a number of adjustments and exclusions to the limit. The proposal would create two additional adjustments to the limit by requiring a county or municipality to reduce its allowable levy by the amount of any fee revenue or payments in lieu of taxes in its budget if the fee or payment revenues are designated to fund certain enumerated services that were funded with property tax revenues in any year prior to December 31, 2012. The enumerated services are garbage collection, fire protection, snow plowing, street sweeping, and storm water management. The proposed adjustment would be waived if the county or municipality imposing the fee has the funding transfer approved at referendum. The proposed modification would take effect with levies adopted in 2013.



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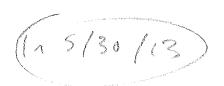
State of Misconsin 2013 - 2014 LEGISLATURE



LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 40



1 At the locations indicated, amend the bill as follows:

1. Page 631, line 7: delete lines 7 to 16 and substitute:

"Section 1271m. 66.0602 (2m) of the statutes is renumbered 66.0602 (2m) (a) and amended to read:

66.0602 (2m) (a) NEGATIVE ADJUSTMENT. If a political subdivision's levy for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding obligations of the political subdivision and interest on outstanding obligations of the political subdivision, on debt originally issued before July 1, 2005, is less in the current year than it was in the previous year, the political subdivision shall reduce its levy limit in the current year by an amount equal to the amount that its levy was reduced as described in this subsection. This

subsection does not apply to any political subdivision that does not increase its levy increase limit as allowed under sub. (3) (f) 1.

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28; 2011 a. 32, 63, 75, 140, 145, 258; s. 13.92 (1) (bm) 2.

SECTION 1271p. 66.0602 (2m) (b) of the statutes is created to read:

- 66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage collection, fire protection, snow plowing, street sweeping, or storm water management.
- 2. Except as provided in subd. 4., if a political subdivision imposes a fee for providing a covered service that was funded by the levy of the political subdivision in calendar year 2013, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service.
- 3. Except as provided in subd. 4, if a political subdivision receives payments in lieu of taxes designated for providing a covered service that was funded by the levy of the political subdivision in calendar year 2013, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes collected for providing the covered service.
- 4. The requirement under subd. 2. or 3. does not apply if the governing body of the political subdivision adopts a resolution that the levy limit should not be reduced and if the resolution is approved in a referendum. The procedure under sub. (4) applies to a referendum under this subdivision, except that the resolution and referendum question need not specify an amount of increase in the levy limit or the length of time for which the levy limit increase will apply.":

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0142/1dn EVM:|.....

date

ATTN: Rick Olin

I am not certain this draft quite accomplishes the intent of the motion. As currently drafted, it is possible that a levy reduction will occur every year that a fee is imposed for a covered service that was funded by the levy in 2013. Should this occur only the first time a covered service is changed to fee revenue? Or is there to be a running tab of some sort? Also, I appended the referendum procedure from s. 66.0601 (4) and modified it to fit the newly created provision. Please let me know if you need any changes.

Eric V. Mueller Legislative Attorney Phone: (608) 261–7032

E-mail: eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0142/1dn EVM:eev:jm

May 30, 2013

ATTN: Rick Olin

I am not certain this draft quite accomplishes the intent of the motion. As currently drafted, it is possible that a levy reduction will occur every year that a fee is imposed for a covered service that was funded by the levy in 2013. Should this occur only the first time a covered service is changed to fee revenue? Or is there to be a running tab of some sort? Also, I appended the referendum procedure from s. 66.0602 (4) and modified it to fit the newly created provision. Please let me know if you need any changes.

Eric V. Mueller Legislative Attorney Phone: (608) 261–7032

E-mail: eric.mueller@legis.wisconsin.gov



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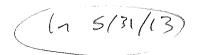
State of Misconsin 2013 - 2014 LEGISLATURE



LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 40



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1	does not apply to any political subdivision that does not increase its levy increase
2	limit as allowed under sub. (3) (f) 1.
3	Section 1271p. 66.0602 (2m) (b) of the statutes is created to read:
4	66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage
5	collection, fire protection, snow plowing, street sweeping, or storm water
6	management.
7	2. Except as provided in subd. 4., if a political subdivision imposes a fee for
8	providing a covered service that was funded by the levy of the political subdivision
(9)	in day year 2013; the political subdivision shall reduce its levy limit in the
10	current year by an amount equal to the estimated amount of fee revenue collected
11)	for providing the covered service. These any previous reductions made under this subsections made
12	3. Except as provided in subd. 4, if a political subdivision receives payments in
(13)	lieu of taxes designated for providing a covered service that was funded by the levy
(14)	of the political subdivision in talendar year 2013 the political subdivision shall
15	reduce its levy limit in the current year by the estimated amount of payments in lieu
16)	of taxes collected for providing the covered service. Tress any previous reduction's made to pay for
17	4. The requirement under subd. 2. or 3. does not apply if the governing body
18	of the political subdivision adopts a resolution that the levy limit should not be
19	reduced and if the resolution is approved in a referendum. The procedure under sub.
20	(4) applies to a referendum under this subdivision, except that the resolution and
21	referendum question need not specify an amount of increase in the levy limit or the
22)	length of time for which the levy limit increase will apply.".
23	(END)
	(and the referender question need not follow)

Mueller, Eric

From:

Olin, Rick

Sent:

Friday, May 31, 2013 10:39 AM

To:

Mueller, Eric

Cc: Subject: FA (Fred.Ammerman@legis.wisconsin.gov) RE: LRBb0142/1 Levy Limit Draft Re Fees

Eric:

I'm sorry, but I left one change out. On page 2, lines 11 and 16, could you add the phrase ",less any previous reductions made under this subdivision." Thanks

From: Olin, Rick

Sent: Friday, May 31, 2013 9:44 AM

To: Mueller, Eric

Cc: 'FA'

Subject: LRBb0142/1 Levy Limit Draft Re Fees

Hi Eric:

Fred and I have discussed your draft and think we are almost home. The motion involved a difficult concept and your draft captures its intent. However, could you please move the phrase "in calendar year 2013" from lines 9 and 13 to after the word "funded" on lines 8 and 13 (all on page 2). Because taxes are levied in one year and collected in the subsequent year, we think having this phrase modifying the service, rather than the levy, may avoid confusion in the future. Also, could you add the phrase "and need not follow the question format under subd. (4)(c)" to the sentence ending on line 22, page 2? If you have a more artful way of stating that intent, we would be receptive. Thanks for your efforts on this draft and please let me know if you have questions.

Rick Olin, Fiscal Analyst Wisconsin Legislative Fiscal Bureau (608) 266-3847 (general) (608) 267-7597 (direct)



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State of Misconsin 2013 - 2014 LEGISLATURE

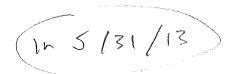


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LFB:.....Olin (RR) – Motion # 159; Levy limits; adjustment for certain fee

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

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(11

(17)

does not apply to any political subdivision that does not increase its levy increase limit as allowed under sub. (3) (f) 1.

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66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage collection, fire protection, snow plowing, street sweeping, or storm water management.

- 2. Except as provided in subd. 4., if a political subdivision imposes a fee for providing a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subsection.
- 3. Except as provided in subd. 4, if a political subdivision receives payments in lieu of taxes that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes received by the political subdivision to pay for the covered service, less any previous reductions made under this subsection.
- 4. The requirement under subd. 2. or 3. does not apply if the governing body of the political subdivision adopts a resolution that the levy limit should not be reduced and if the resolution is approved in a referendum. The procedure under sub. (4) applies to a referendum under this subdivision, except that the resolution and referendum question need not specify an amount of increase in the levy limit or the length of time for which the levy limit increase will apply and the referendum question need not follow the question format under sub. (4) (c)."

Mueller, Eric

From:

Ammerman, Fred

Sent:

Tuesday, June 11, 2013 3:13 PM

To:

Mueller, Eric

Cc:

Hanaman, Cathlene; Olin, Rick

Subject:

LRB 0142

Eric & Cathlene,

If possible, we would like to make one change to LRB 0142/3. On Page 2, lines 7 & 8, delete "imposes a fee for providing" and substitute "receives revenues that are designated to pay for".

This will make the language for fees parallel to the language for payments in lieu of taxes and is more consistent with the motion language.

Please let me know if you can do this.

Thanks a lot.

Fred

66.0602 (2m)(b) 2.



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State of Misconsin 2013 - 2014 LEGISLATURE



LFB:.....Olin (FA) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 40

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	1	oceives	revenues	that	are	designated
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Mueller, Eric

From:

Ammerman, Fred

Sent:

Tuesday, June 11, 2013 5:29 PM Mueller, Eric LRB 0142

To: Subject:

Eric,

On page 2, line 7 of LRBb0142/4, shouldn't "revenue" be "revenues"? Or else, on line 8, "are" could be switched to "is".

Fred



State of Misconsin 2013 - 2014 LEGISLATURE



LFB:.....Olin (FA) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 40

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does not apply to any political subdivision that does not increase its levy increase limit as allowed under sub. (3) (f) 1.

SECTION 1271p. 66.0602 (2m) (b) of the statutes is created to read:

66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage collection, fire protection, snow plowing, street sweeping, or storm water management.

- 2. Except as provided in subd. 4., if a political subdivision receives revenue that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision.
- 3. Except as provided in subd. 4, if a political subdivision receives payments in lieu of taxes that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes received by the political subdivision to pay for the covered service, less any previous reductions made under this subdivision.
- 4. The requirement under subd. 2. or 3. does not apply if the governing body of the political subdivision adopts a resolution that the levy limit should not be reduced and if the resolution is approved in a referendum. The procedure under sub.

 (4) applies to a referendum under this subdivision, except that the resolution and referendum question need not specify an amount of increase in the levy limit or the

- length of time for which the levy limit increase will apply and the referendum
- question need not follow the question format under sub. (4) (c).".

3 (END)



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State of Misconsin 2013 - 2014 LEGISLATURE



LFB:.....Olin (FA) – Motion # 159; Levy limits; adjustment for certain fee revenue

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 40

At the locations indicated, amend the bill as follows:

1. Page 631, line 7: delete lines 7 to 16 and substitute:

"Section 1271m. 66.0602 (2m) of the statutes is renumbered 66.0602 (2m) (a) and amended to read:

66.0602 (2m) (a) If a political subdivision's levy for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding obligations of the political subdivision and interest on outstanding obligations of the political subdivision, on debt originally issued before July 1, 2005, is less in the current year than it was in the previous year, the political subdivision shall reduce its levy limit in the current year by an amount equal to the amount that its levy was reduced as described in this subsection. This subsection

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does not apply to any political subdivision that does not increase its levy increase limit as allowed under sub. (3) (f) 1.

SECTION 1271p. 66.0602 (2m) (b) of the statutes is created to read:

- 66.0602 (2m) (b) 1. In this paragraph, "covered service" means garbage collection, fire protection, snow plowing, street sweeping, or storm water management.
- 2. Except as provided in subd. 4., if a political subdivision receives revenues that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision.
- 3. Except as provided in subd. 4, if a political subdivision receives payments in lieu of taxes that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes received by the political subdivision to pay for the covered service, less any previous reductions made under this subdivision.
- 4. The requirement under subd. 2. or 3. does not apply if the governing body of the political subdivision adopts a resolution that the levy limit should not be reduced and if the resolution is approved in a referendum. The procedure under sub. (4) applies to a referendum under this subdivision, except that the resolution and referendum question need not specify an amount of increase in the levy limit or the

- length of time for which the levy limit increase will apply and the referendum
- question need not follow the question format under sub. (4) (c).".

3 (END)